

APPENDIX

JAN 18

MICHAEL 1973

IN THE
Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-5412

JOHN R. DILLARD and WILLIE WILLIAMS, individually
and on behalf of all other persons similarly situated,
Appellants,

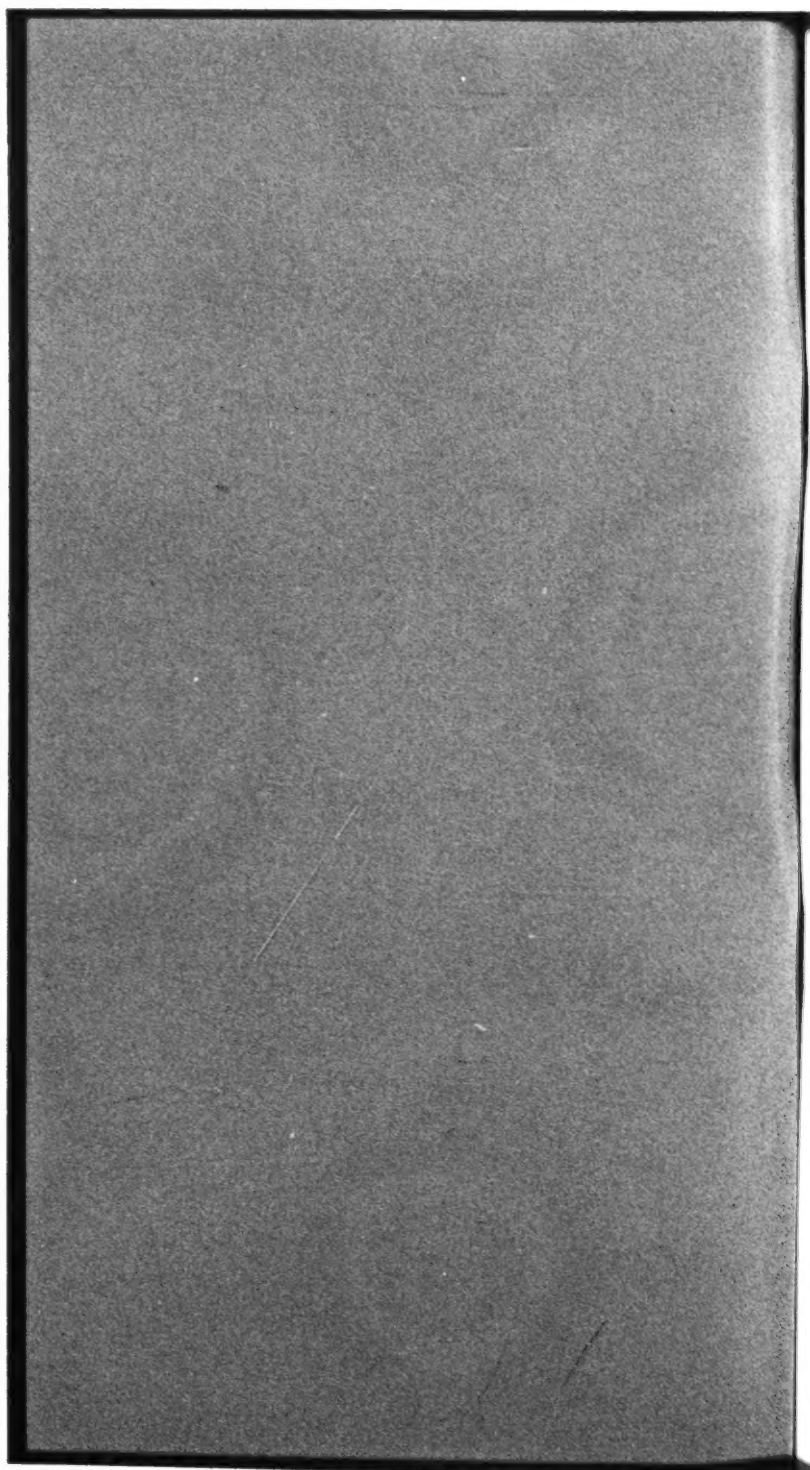
—v.—

INDUSTRIAL COMMISSION OF VIRGINIA, THOMAS M. MILLER,
Chairman, Industrial Commission of Virginia, M. ED-
WARD EVANS, ROBERT P. JOYNER, Commissioners of
the Industrial Commission of Virginia, and AETNA
CASUALTY AND SURETY COMPANY,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

APPEAL DOCKETED SEPTEMBER 10, 1973
PROBABLE JURISDICTION NOTED DECEMBER 17, 1973



IN THE
Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-5412

JOHN R. DILLARD and WILLIE WILLIAMS, individually
and on behalf of all other persons similarly situated,
Appellants,

—v.—

INDUSTRIAL COMMISSION OF VIRGINIA, THOMAS M. MILLER,
Chairman, Industrial Commission of Virginia, M. ED-
WARD EVANS, ROBERT P. JOYNER, Commissioners of
the Industrial Commission of Virginia, and AETNA
CASUALTY AND SURETY COMPANY,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

INDEX

	Page
Docket Entries	1
Complaint	6
Aetna's Motion to Dismiss	19
Industrial Commission's Motion to Dismiss	26
Plaintiff's Interrogatories	30

	Page
Answer of Aetna	34
Industrial Commission's Answers to Interrogatories	36
Answer of Industrial Commission	39
Stipulation of Facts	41
Industrial Commission's Motion for Summary Judgment	43
Opinion of the United States District Court for the Eastern District of Virginia	46
Dissenting Opinion of the Honorable Robert R. Merhige, Jr... ..	57
Final Order	66
Opinion of the Supreme Court of the United States	67
Motion to Intervene as Plaintiff by Willie Williams	68
Intervenor's Proposed Complaint	70
Industrial Commission's Statement in Opposition to Inter- vention	77
Industrial Commission's Supplement to Statement in Opposi- tion to Intervention	83
Order Substituting Party Defendant	86
Opinion of the United States District Court for the Eastern District of Virginia	87
Final Order	88
Orders of the Supreme Court of the United States	90

DOCKET ENTRIES

1

DATE	PROCEEDINGS
10/19/71	Complaint filed.
10/19/71	Motion for leave to file in forma pauperis filed by plaintiff.
10/19/71	Affidavit to proceed inform pauperis filed by plaintiff.
10/20/71	Order filing action in forma pauperis, entered 10/20/71.
10/20/71	Copies on pleadings delivered to U. S. Marshal for service on defendants.
10/22/71	IN OPEN COURT-Merhige, Jr.: Parties appeared by counsel. Plaintiff's motion for temporary restraining order argued and denied.
11/10/71	Motion to dismiss filed by defendant, Aetna Casualty & Surety Co.
11/10/71	Motion to dismiss filed by defendants, Industrial Commission of Virginia; Thomas M. Miller, Chairman, M. Edward Evans and Thomas P. Harwood, Jr., Commissioners.
1/25/72	Interrogatories to defendants Industrial Commission of Virginia, Thomas M. Miller, M. Edward Evans and Thomas P. Harwood, Jr., filed by plaintiff.
2/ 4/72	ORDER requesting designation of 3-judge court entered 2/4/72 and filed. Copies mailed counsel and Judge Haynsworth.
2/ 8/72	Designation of three judge court; Albert V. Bryan, U. S. Circuit Judge and Richard B. Kellam, to serve with Robert R. Merhige, Jr. in the hearing of this case, entered 2/7/72. Copies mailed counsel and case files mailed three judges.

DOCKET ENTRIES

DATE	PROCEEDINGS
2/18/72	PRE-TRIAL ORDER listing cut-off dates; opening brief 4/21/72; reply; 5/5/72; plaintiff reply; 5/15/72; hearing 10:00 a.m., 5/19/72 at Alexandria; file memorandum in 15 days re: motion to dismiss; entered 2/18/72 and filed. Copies mailed counsel and judges.
2/24/72	Answers to interrogatories, filed by defendants.
3/ 1/72	Answer of Aetna Casualty and Surety Company, filed.
3/ 2/72	Motion by defendants Industrial Commission of Virginia, Thomas M. Miller, M. Edward Evans and Thomas P. Harwood, Jr., for order filing answer.
3/ 2/72	Order filing answer of above defendants, entered 3/2/72. Copies mailed counsel and copy mailed Judges Bryan and Kellam, and delivered to Judge Merhige, of motion, order and answer.
3/ 2/72	Answer of defendants Industrial Commission of Virginia, Thomas M. Miller, M. Edward Evans and Thomas P. Harwood, Jr., filed.
3/ 3/72	Memorandum of points and authorities in opposition to defendants motions to dismiss filed by plaintiffs. Copies mailed Judges Bryan and Kellam.
3/21/72	Stipulation of facts received, filed. Copies mailed judges Bryan and Kellam.
4/ 6/72	Defendant's motion for summary judgment received, filed.
4/21/72	Brief of Plaintiff received and filed.
5/ 5/72	Brief of State Defendants filed.
5/ 5/72	Pre-trial brief of defendant, Aetna Casualty and Surety Company, received.

DOCKET ENTRIES

DATE	PROCEEDINGS
5/15/72	Plaintiff's Reply Brief received, filed.
5/19/72	IN OPEN COURT IN ALEXANDRIA: Bryan, Sr.; Kellam and Merhige, Judges. Appearances by plaintiff and by counsel John M. Levy; Anthony F. Troy, Vann H. Lefcoe and Willard I. Walker, for defendants. This matter came on for hearing for declaratory judgment, temporary restraining order; preliminary and permanent injunction sought. Arguments heard. Matter taken under advisement.
7/17/72	Opinion of three judge court, Judge Merhige dissenting, entered filed.
7/17/72	Order dismissing complaint and action, for reasons stated in opinion, entered 7/17/72. Copies mailed as directed.
8/18/72	Notice of appeal to Supreme Court of United States filed by plaintiff.
8/23/72	ORDER directing Clerk to transmit to the Supreme Court the entire original case record, and requesting that record be returned to Clerk's Office of this Court upon finality of action, entered, filed.
8/23/72	Case record, original, mailed to Clerk, U. S. Supreme Court, by certified mail.
12/12/72	Opinion of Supreme Court of U. S., granting motion to proceed in forma pauperis: vacating judgment and remanding case to USDC to consider whether this case is moot, received, filed.
1/19/73	Motion to intervene as plaintiff filed by Willie Williams. (copies mailed judges) (copies of proposed complaint mailed judges)
2/ 7/73	Plaintiff—Intervenor's Memorandum in Support of Intervention filed. (copies mailed judges)

DOCKET ENTRIES

DATE	PROCEEDINGS
2/12/73	Plaintiff's Memorandum on Mootness filed.
2/14/73	Statement of defendant Industrial Commission in opposition to petition for intervention, filed.
2/28/73	Supplement to defendants statement in opposition to intervention, filed.
2/28/73	Motion to substitute Robert P. Joyner, as party defendant and dismiss Thomas P. Harwood as party defendant filed by defendant HARWOOD.
3/ 6/73	Defendants' Memorandum on Mootness filed, Copies mailed Judges.
3/14/73	ORDER dismissing T. P. Harwood, Jr., as party defendant and substituting Robert P. Joyner, as party defendant entered 3/14/73 and filed. Copies mailed counsel.
6/11/73	IN OPEN COURT: Bryan, Sr.; Merhige, Kellam, Judges. Smonskey, OCR. Parties with counsel. This matter came on for hearing in Alexandria for hearing on motion of Willie Williams to intervene and the question of possible mootness. Argument heard. Matter taken under advisement.
6/26/73	Per Curiam Opinion of panel filed.
6/26/73	ORDER allowing Willie Williams to intervene as party plaintiff; proposed complaint filed; answer of defendant Industrial Commission filed to original complaint be and is considered as answer to intervenor's complaint; action declared class action and named plaintiff is representative of affected class; cause is not moot and Court's copinion is reinstated, effective this date entered 6/26/73 and filed. Copies to Judges and counsel.

DOCKET ENTRIES

DATE	PROCEEDINGS
6/26/73	Intervenor—Plaintiff, Willie Williams, complaint filed.
7/26/73	Plaintiff's notice of appeal to Supreme Court of the United States filed.
7/26/73	ORDER directing Clerk to transmit original record, same to be returned upon finality of action, entered, filed.